

REMARKS

Claim 27 is amended and claims 1-16 and 40-46 are canceled herein without prejudice to their patentability. Claims 17-39 will be pending upon entry of this Amendment.

I. Response to Restriction Requirement

The Office action sets forth a two-way restriction requirement as follows:

Group I: claims 1-16 and 40-46 directed to a friction clutch assembly and claims 27-39 directed to a centrifugal lever assembly for a clutch classified by the Examiner in class 192, subclass 105C, and

Group II: claims 17-26 directed to a method of converting a clutch classified by the Examiner in class 29, subclass 428.

Applicants elect the claims of Group II for examination with traverse. Applicant expressly reserve the right to file divisional applications directed to subject matter of the non-elected claims.

Applicants have cancelled claims 1-16 and 40-46 directed to a friction clutch assembly so that the Group I claims now include claims 27-39 directed to a centrifugal lever assembly. As such, the remaining claims of Group I and II are related as a product and process of using a product. Applicants submit that the remaining claims of Group I and II do not meet the requirements for restriction under M.P.E.P. § 806.05(h) and should be examined in a single application.

Applicants have amended claim 27 to recited that the lever is adapted to be received in an opening in the cover. Claim 17 as originally presented recites the step of forming an opening for the lever in the cover of the clutch. As now presented, the method of converting a clutch as set forth in claim 17 cannot be practiced with a materially different product as the lever assembly of claim 27 and the lever assembly of claim 27 cannot be used in a materially different process from the method of converting a clutch set forth in claim 17.

Accordingly, applicants respectfully request the restriction requirement between claims 27-39, as now presented, and claims

17-26 be withdrawn on the basis that the requirements for restriction between a product and process of using a product set forth in M.P.E.P. § 806.05(h) are no longer met.

Applicants also ask the Examiner to consider the relative burdens on himself and the applicants. In order for a reliable search to be conducted for either group of claims, the classes and subclasses of both groups will have to be searched. Accordingly, maintaining claims 17-39 in the application should not add more than a minimal burden. Further, applicants have minimized any such additional burden by including only 23 total claims for the claims of Group I and II (the remaining Group I claims comprising only one independent claim and 13 total claims). In this regard, the Examiner is asked to consider M.P.E.P. § 803:

"If the search and examination can be made without serious burden, the examiner must examine it on the merits, even if it includes claims to distinct or independent inventions."
(emphasis added)

Applicants respectfully submit that the burden of examining the additional 13 claims having an overlapping search field cannot fairly be said to be "serious." In contrast, applicants would incur filing fees of at least \$1000, issue fees of at least \$1400, and maintenance fees of at least \$7000 if required to prosecute and maintain a second application/patent, such fees being in addition to the similar fees to be incurred in this first application.

In view of the foregoing, applicants respectfully ask the Examiner to withdraw the restriction requirement.

As required by 37 CFR 1.143, applicants provisionally elect the Group II claims for prosecution (claims 17-26) in the event that the restriction requirement is made final.

II. Election of Species

The Office action sets forth an Election of Species requirement between the embodiment of Figs. 1-7, the embodiment of Fig. 8, and the embodiment of Figs. 9-12.

Applicants elect the embodiment of Figs. 9-12 for prosecution on the merits, without traverse.

Claims 17, 18, and 27 are generic to all species. Claims 24-26 and 36-39 are readable on the elected species.

III. Conclusion

Favorable consideration and allowance of claims 17-39 is respectfully requested.

Enclosed is a check for the payment of a one-month extension of time for filing this response. The Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 19-1345 in the name of Senniger Powers.

Respectfully submitted,



Andrew N. Claerbout, Reg. No. 50,202
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

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